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LABOR IN PENNSYLVANIA.

II.

OF the laws which have been enacted in Pennsylvania for the benefit of coal-miners, that which looks to the safety and sanitary condition of mines, and that which forbids the employment of women, have had the most satisfactory results—the former, because it provides for a corps of inspectors to enforce its provisions, and the latter, because the employment of women was confined to one class of immigrants and was opposed by a strong public opinion. As in the Clearfield case, the miners often complain that the inspectors have undue regard for the interests of employers, but I found no question among them of what is on every hand admitted—that the effect of the inspection law has been to cause the mining companies to pay much more regard to ventilation, means of egress, etc., and largely to diminish the loss of life—though that is still great. It may, however, be questioned whether the same end could not be better attained by making the companies pecuniarily responsible for loss of life or limb, except where carelessness on the part of the victim could be proved. There are other provisions of the mining law, such as that which requires that, when ten persons desirous of leaving the mine are collected at the bottom of a slope, they shall be hoisted up without delay; and that which requires that miners shall be furnished, free of charge, at the place where they are working, with such timbers as they call for—the object of the one being to prevent men being left in impure air and wet clothes while coal is being hoisted, and that of the other to prevent any temptation to push work ahead without proper timbering—which, not coming directly under the purview of the inspectors, seem to be observed or not observed, according to the disposition of the operators and the organization of the men.

So it is with the provision authorizing the miners in the bitu-

minous region to keep a man on the tipples to check the weighing of the coal. Where the miners have felt themselves strong they have taken advantage of this provision ; but where they are weak it is of no use to them. The demands of miners for the employment of checkweighmen have in a number of cases led to contests, some of which have been carried into the courts, and some of which have caused strikes and lockouts. At the mines of W. L. Scott & Co., near Scott Haven, checkweighmen (which were one of the demands of a previous strike) have recently been put off the tipples, and the miners have struck again, and in several instances mines have been shut down to force the miners to give up their demand for checkweighmen. The opposition on the part of the companies to the employment of checkweighmen gives color to the miners' belief that they are commonly defrauded by light weight. In fact, there are cases in which operators have offered a somewhat higher rate of wages if checkweighmen were not employed than they were willing to pay if checkweighmen were insisted on.

As for the laws against the employment of children, they are a dead letter in Pennsylvania, except as they are to some extent enforced in the city of Philadelphia by the efforts of a Children's Protective Society, and I recently found in Pennsylvania papers, without any comment on the illegal age, an item recounting the cutting to pieces of a child of eleven in a Reading mill, by the starting of a machine it had been set to clean. In the coal mining region no one seems to pay any attention to the law prohibiting the employment of children under twelve, and boys of seven and eight may be found picking slate in anthracite coal breakers or trimming coke in the bituminous regions.

As to the work of these little slate-pickers this is what is said of it by Mr. Morgan Jones, formerly a mine boss in the Schuylkill region:

"I have witnessed the agony of wives and mothers and sisters, as victim after victim to the perils that constantly threaten the miner has been raised from the deadly depths, but the spectacle of a score or more of boys aged before their time, bent and stunted and worn, working their lives away in the black, dusty breaker, sweltering and suffocating in the summer and chilled to the bone in the winter, was something that brought perpetual heart-ache.

"In a room of these colliery buildings—not more than fifteen feet square—I have seen forty boys at work picking slate from the coal that passes swiftly down chutes in an endless stream. They are seated on hemlock boards

stretched across the room in rows. The windows are always open in winter and summer, in order that the dust may escape. In winter the wind whistles through the apartment, and the snow beats at the windows and doors. From seven o'clock in the morning until darkness compels work to cease, these boys sit on their benches, with backs bent almost double over the running coal, separating the slate from it. To do this requires great dexterity with the hands and a quick eye. The slate-pickers range from seven to fifteen years of age. At fifteen or sixteen they are old enough to enter the mines, and to reach that stage in their career is their only ambition. If any visitor will take the trouble to enter the miners' grave-yard near by he will not need to be told how many of these boys never reached the goal of their ambition. The tombstones are numerous, but the great majority bear the names of boys under the age of fifteen years—slate-pickers, who have succumbed to the overstrain of toil that has made them old, decrepit, and infirm before they had reached the freshness of youth.

"Sometimes these boys live long distances from the collieries where they are employed, and are carried to work in the morning and home again in the evening in the coal cars of the company. For this they are charged sometimes as much as ten cents a trip, the money being deducted from their wages. It is no uncommon thing for the boys to find, after reaching the colliery, that the works will be idle for some reason. In such cases they get no pay, and I have known it to happen that at the end of the month it would not only require all of a boy's wages to pay for his transportation, but that he would still be in debt to his employer. While I was in the coal regions I endeavored to awaken an interest among the miners on the subject of thus employing boys at collieries, but nine out of ten of them were willing to run the risk of their boys being equal to the hardship of the life of a slate-picker rather than lose the pittance each would contribute to the family income."

And here is what another well-informed man, a district master workman of Knights of Labor in the anthracite district, and who, though not now working at coal mining, has passed through all its grades, writes me on the subject:

"The lot of the slate-picker, though still hard, has been much improved in this quarter. Since the advent of organized labor, the slate-picker's taskmaster, the 'chute boss,' does not whip and abuse the children as was the custom before. There is more or less of the lash, the club, the fist and the boot administered to the slate-picker, in many places yet, but it is not so common a custom, and the practice of washing the coal, though adopted without intention of benefiting the slate-picker, works for his good by keeping down the dust. There are some places yet where the coal is not washed, and the life of a slate-picker there is indeed deplorable. Choking with dust, bending over the running coal, weak, weary and suffering from what we used to call 'heart-burn,' and emitting sour, bitter water-brash, the slate-picker is often unable to eat when meal-time at last arrives. That the coal breaker and the coal mine fill premature graves and make premature old men is true. Morgan

Jones has not put it too strongly. The grave-yards are overfull, and the numerous asthmatic consumptives abounding in these coal fields are walking corroborations.

"I went to picking slate when nine years old, and weighed thirty-five pounds a year after, and on the dusty breaker and in the mine did man's work for boy's pay for years, as hundreds of boys are doing it now. I will be thirty-eight next September, and am, as you know, gray and old. But though I have been myself a slate-picker, and filled all the grades of manual labor in and about a coal mine, I must confess I have given no thought before to the wrong done these boys; it is so common we have got used to it. But as I write my mind goes back to the hundreds of boys who with me were little slate-pickers. I recall lots of them who are in the grave-yards, and those yet among the living whom I occasionally meet are gray-headed, old young men, worn out before their time. Asthma, consumption, weak-back, gravel and rheumatism follow the breaker and mine work."

The Pennsylvania Bureau of Industrial Statistics has secured a photograph of the little slate-pickers of a typical breaker, seated at their work, the "chute boss" with his long stick in their midst. It is ocular demonstration of how the law concerning child labor is disregarded.

The difficulty with laws that prohibit the undue employment of children is that they are merely repressive, and do not touch the cause—the poverty of the parents. Where the natural bread-winner can with difficulty support his family, any pittance that the children can earn becomes important. Still more is this the case where the natural bread-winner is disabled or taken away, and many of the little fellows employed in the mines are the sons of such men. How little support the law against the employment of young children in collieries has in public opinion among the miners was illustrated by a miner who was complaining to me of the neglect of a mining company to perform some work required for proper ventilation. "They gave us to understand," said he, "that if we complained about it to the inspector, they would *retaliate* by enforcing the law against the employment of children."

The same day I met this man I read in a Pennsylvania paper "Twelve Reasons why we want a Protective Tariff," of which the sixth and seventh were as follows :

"6. Because children at a tender age and women of Europe are required to perform the servile labor in manufactories and out-doors at a mere pittance for pay, being degraded to the servile condition of prison labor of this country. Our aim should be to so protect the labor of America as to shield it from a like serfdom condition.

"7. Because desiring to set an example of universal education and prevent any growing up in ignorance, the wages of workmen should not be brought into competition with the pay of children and women who work in Europe for a mere pittance."

One of the peculiar institutions of Pennsylvania is the Coal and Iron Police. These should not be confounded, as they sometimes are, with that private army organized by the Pinkertons, and sent hither and thither to the aid of those who will pay for their services. The Coal and Iron Police of Pennsylvania are not a force in the sense of having any organization, being under the control of nobody save the individuals, companies or combinations* who employ them. Under the Act of April 11, 1866, the provisions of the Act of February 27, 1865, relating to railway policemen were extended to all "corporations, firms or individuals, owning, leasing or being in possession of any colliery, furnace or rolling-mill within this commonwealth." Under this act any such firm, company or individual may apply to the governor to commission as a coal and iron policeman any person named by them. There is no restriction as to number, no examination as to character, no guaranty as to behavior, no requirement of report, no stipulation as to pay or employment. These private employees are clothed by the law with all the powers of a policeman of the city of Philadelphia, and the keepers of all jails and station houses are required to receive and keep all persons arrested by them; but they pass no examination, give no bonds, and are amenable to no discipline. The only requirement of the law is that they shall, when not upon detective duty, wear a badge marked "Coal and Iron Police;" but this, if worn at all, seems to be worn inside the coat. The Governor is empowered to cancel a commission for cause, or it may be canceled upon application of the owner or operator who applied for its issuance, but the commission bears no term, and practically once a coal and iron policeman always a coal and iron policeman, so long as the favor of the employer is retained. Thus the very largest powers with which the commonwealth clothes its peace officers are put at the unrestrained disposal of Pennsylvania coal and iron owners and operators. Whoever has

* In the case of the smaller operators the Coal and Iron Police are generally paid by the "coal exchanges," or other combinations of operators, an assessment based upon the amount of coal mined being levied for police protection.

realized what power may be exercised by a policeman among those too poor and uninfluential to easily appeal to the law will see what a weapon is thus placed in the hands of employers. The immunities, too, as well as the powers with which they may thus clothe their servants, are in some respects important; for, by having proceedings begun in the name of these policemen, responsibility for costs that would attach to an ordinary citizen is avoided, and a convenient instrumentality is created for making the law an engine of coercion and oppression.

Like other things in Pennsylvania, the coal and iron police are suggestive of Ireland to any one who has seen that unfortunate country while landlordism was yet in strength. Their functions on the coal estates are a combination of those performed for the Irish landlords by the "rent warner," the "process-server," the "emergency man," and the Royal Irish Constabulary. They are the spies, informers, collectors, writ-servers, and guards of their employers, licensed always to carry arms and make arrests. Measured by the miner's standard they get an easy living and high pay, and there is no inherent improbability in what the miners say—that the officiousness of these policemen is the cause of much of the trouble between employers and employed, since it is the natural disposition of every such body of men to furnish reasons for their own existence.

There is bitter complaint among the miners of Pennsylvania of what they call "the conspiracy laws." These are in reality the English common law modified by statute. In this there has been a progressive advance as the political power of organized labor has made itself felt. In 1806 several shoe-makers of Philadelphia were convicted of conspiracy for having combined to raise their wages and (as it would now be called) boycotted an employer who refused to pay the increased scale, and some workmen who continued in his employ.* The growth of public opinion gradually wrought ameliora-

* It is interesting to observe that the Act of Elizabeth cited in this case was aimed not only at artificers, workmen or laborers who conspired or covenanted not to do their work except at a certain price, but also at "butchers, bakers, brewers, poulterers, coster-mongers or fruiterers who shall conspire, covenant, promise or make any oath that they shall not sell their victual but at certain prices." Judge Agnew of the Supreme Court of Pennsylvania some years since declared that combinations to restrict the production of coal were punishable conspiracies, but no one has ever been punished for engaging in them.

tion in the administration of the law with regard to the "conspiracy" of workmen, but it was not until 1869 that an Act was passed making it lawful for "mechanics, journeymen, tradesmen and laborers to form societies and associations for their mutual aid, benefit and protection, and even then the mining counties of Centre and Clearfield, where labor difficulties existed, were exempted from the benefits of the Act. By the Act of June 14, 1872, another step was made, and it was declared that from and after the passage of the act it should be lawful for laborers or workingmen acting either as individuals or as members of societies or associations to refuse to work for any person or persons whenever they deemed their wages insufficient, or their treatment brutal or offensive, or that such work would be contrary to the rules and regulations of any society or organization to which they belonged, "without subjecting any person or persons so refusing to work or labor to prosecution or indictment for conspiring under the criminal laws of this commonwealth," *provided* that the act should not apply to the members of societies and organizations whose constitutions, by-laws and regulations were not in strict conformity with the constitutions of Pennsylvania and the United States, and "*provided* that nothing herein contained shall prevent the prosecution and punishment under existing laws of any person or persons who shall in any way hinder persons who desire to labor for their employers from so doing, or other persons from being employed as laborers."

But after the passage of this act it was held by courts in the mining regions that even request or persuasion to stop work constituted hinderance, and in several cases miners were indicted and punished for conspiring when nothing more could be proved. The growing strength of labor organizations procured the passage in 1876 of an act explanatory of that of 1872, by which it was declared that the previous Act "shall be so construed that the use of lawful or peaceable means having for their object a lawful purpose shall not be regarded as in any way hindering persons who desire to labor, and the use of force, threats or menace of harm to persons or property shall alone be regarded as in any way hindering persons who desire to labor for their employers from so doing, or other persons from being employed as laborers."

This Act, which is the last upon the subject, has much curtailed the power to use the charge of conspiracy as a means of

coercing strikers and punishing their leaders, and under it it has in some places been held that the formation of strikers' camps, and the visitation of mines by bodies of strikers carrying banners and headed by brass bands, for the purpose of inducing men to quit work, does not constitute conspiracy when unaccompanied by violence. But how it is still possible to use the vague charge of conspiracy to punish men for striking is shown by a recent case in Washington County.

During a strike last fall on one of the pools* of the Monongahela river, a body of miners from one of the other pools came up in a steam-boat with a brass band and paraded around the mines while a committee urged the men who had remained at work despite the strike to come out and join them. During this demonstration some collisions occurred and a couple of the men who had refused to join the strike were assaulted, though, as it seems, without serious consequences. This was made a pretext for a charge of conspiracy against the principal men in the strike. Informations were sworn out by a coal-and-iron policeman, and a large number of the men who had been active in organizing the strike were arrested, and those who could not give bail committed to jail. The strike proved a failure, the men being finally forced to return to work at the old price. But the companies were determined to take the opportunity to punish the ringleaders, and virtually prosecuted the cases, employing three lawyers for the purpose. On their part the miners secured the services of W. J. Brennen of Pittsburg, and two lawyers of the county. The cases were tried at the county seat in the agricultural part of Washington County, in May. The only miner on the panel was peremptorily challenged by the prosecution, and the jury was made up almost entirely of farmers, who in this part of the country, if not throughout the State, have a class prejudice against miners and miners' strikes, which reduce the market for their produce, and, as some of them think, increase the tendency of poultry, etc., to mysteriously disappear. The cases as to some of the men indicted were dismissed by the prosecution, the real reason being, it is said, that the men were of use politically or owed money to the companies, and twenty-seven were put on trial. Against three of

* The term "pool" in connection with Pennsylvania coal mining does not refer to combinations like the railroad pools, but means the mining section between one river dam and another.

these no evidence whatever could be adduced, and in their cases verdicts of not guilty were entered during the progress of the trial by direction of the Court. One of the men thus released had already lain in jail for fourteen weeks, another for seven weeks, and in the case of the third it was shown that he had been working in Ohio for nearly a year, and had only returned to Pennsylvania a few days before the Grand Jury had found a bill in the case. Yet his name had been inserted in the indictment without any preliminary hearing, and he had been taken out of his bed at midnight on a bench warrant, and had lain in jail until the trial. Only two of the others were in any way connected by the evidence with the violence, but the theory of the prosecution, enforced in the charge of the judge, was that the violence was the result of a conspiracy in which all who took part in the miners' strike and meetings were concerned. It was proved as to some of them that they were not even in the neighborhood when the violence occurred, and that their counsels had always been against force or threats of force, and one of the things incidentally shown in the trial was that the strike in its inception had been encouraged by the principal mine-owner, who at that time had a considerable stock of coal on hand. The twenty-four were, however, all found guilty in a body, and with one exception were all sentenced to eight months' imprisonment with hard labor. The exception was in the case of a man who was evidently in the last stages of consumption, and who was condemned to six weeks' imprisonment in the county jail. Among the men thus sentenced were a number who bear the very highest character in their neighborhoods. One of them, a veteran of the war, in which he was wounded himself and lost his father and two brothers, and who has a wife and eight children dependent upon him, was connected with the conspiracy only by the making of a speech in which, while he supported the strike, he had been careful to warn the men against any infringement of the law; another is a Methodist local preacher, a devoted Christian and ardent temperance advocate. Such is the reputation of these men, that the deputy sheriff who took them to prison to serve out their sentences, allowed them while waiting for a train in Pittsburg to go about the town on their promise to return. What they were really convicted of was not violence or inciting to violence, but of participating in a strike, which by fiction of the old English conspiracy law is made to involve all who partici-

pated in it, in an offense which was only an accidental incident. After serving out about a month of their sentences a writ of *allocatur* was granted by Judge Clarke of the Supreme Court, which brings the case before that tribunal in October for review upon points excepted to by their counsel during the trial, and an order was made directing their release in the meantime upon \$1,000 bail each. Bail, at the time I write, has been found for all but three. If the power lay in the hands of Governor Pattison it is probable that further legal proceedings would have been dispensed with by a prompt pardon ; but any application must be passed on by the Board of Pardons, and they do not meet during the hot season.

In the meantime the anthracite coal carrying companies have limited the August output to 500,000 tons less than last year, without the slightest fear of the conspiracy law, the city of Philadelphia is compelled to pay black-mail prices for her fuel and gas coal, and the Standard Oil Company rolls up its millions and pushes out new tentacles.

But the Morrison bill has been defeated, and Pennsylvania yet rejoices in the protection of her industries from the pauper coal of foreign lands.

HENRY GEORGE.

(*To be continued.*)